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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

EXAMINER
LERNER, MARTIN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 to 29* is/are pending in the application.
    4a) Of the above claim(s) *11 to 29* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 to 10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Objections

1.   Claims 11 to 29 are objected to because of the following informalities:

Claims 11 to 29 have improper status identifiers because they are indicated as being "Withdrawn" instead of "Canceled". Generally, only claims that are subject to a restriction requirement would be considered as being "Withdrawn". If Applicants wish to voluntarily remove claims from prosecution, then the claims should be cancelled, and not withdrawn. Moreover, 37 CFR §121(c) sets forth the rules for indicating claim status identifiers, and says that all amendments to a claim must be made by rewriting the claim with all changes, except where the claim is being canceled. Thus, any claim that is being withdrawn must still be included in the list of claims by writing the claim in its entirety. Here, however, it is contended that Applicants have no authority to withdraw the claims from consideration unless the claim was subject to a restriction requirement. Applicants can later reinstate any canceled claims by adding them as new claims with new claim numbers. See MPEP §714.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 to 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marx et al. in view of *Zirngibl et al.*

Concerning independent claim 1, *Marx et al.* discloses a method for developing

interactive speech applications, comprising:

"presenting a [style-]selection menu that allows for selection of one or more catch

[styles], each catch [style] corresponding to a system response to a catch event, the

catch event comprising at least one event in which a user entry is not understood

occurring during a dialogue turn, the event being selected from the group consisting of a

user request for help, a non-input entry, and a non-matching entry" – Dialogue Module

templates are provided as pre-packaged modules that can be used to create

applications that have internally consistent software code (column 4, lines 33 to 36);

dialogue modules are stored as graphically represented icons in a graphical display, in

which icons for the subset of dialogue modules are selected in the graphical display in

response to user input; the interactive speech application is generated based upon the

graphical representation (column 3, line 66 to column 4, line 15); a system comprises a

plurality of Dialogue Modules, each designed for performing a specific dialogue task

such as outputting a prompt, identifying the caller's speech as a recognized item of a

predefined list, identifying a caller's speech as an affirmative or negative (Yes/No)

response, or identifying strings of characters spelled by the caller (column 6, lines 42 to

48: Figure 4); by providing the interface, the Dialogue Modules 430 allow a developer to

develop a Service 410 without a detailed understanding of the Speech Components,

440, 450, whose functions include outputting prompts to callers and receiving and

processing input speech from callers (column 6, line 64 to column 7, line 3: Figure 4);

Figure 7 shows how dialogue modules are selected from a list of on-screen icons, which

is equivalent to "presenting a . . . selection menu that allows for selection"; each

Dialogue Module performs a discrete task, and includes a value indicating its

termination condition; termination conditions include SUCCESS, indicating a successful

completion of a dialogue task, TIMEOUT, indicating that the caller did not respond

within a predetermined timeout period, and ERROR, indicating that the system could

not recognize the caller's response (column 8, lines 19 to 31); thus, broadly, a "catch

event" corresponds to a termination condition of a TIMEOUT ("a non-input entry") or

ERROR ("a non-matching entry"), where the system could not recognize the user

response within a predetermined timeout period ("at least an event in which a user entry

is not understood occurring during a dialogue turn, the event being selected from the

group consisting of . . . a non-input entry, and a non-matching entry"); Dialogue Module

templates include error recovery methods when the Service does not collect a response

from the caller during the timeout period; at least three "styles" of default error recovery

procedures are disclosed: (1) retry by the same method, where a user is prompted

again with the same prompt for a maximum number of times, (2) an apology prompt

method, where a user is prompted with an apology, and prompted to repeat an answer

now, and (3) a fallback method where a user is requested to spell a response or enter

through touch-tone keys (column 13, lines 10 to 67: Figure 6: Steps 640, 650a, and

660); Dialogue Modules are provided in a Baseline Configuration library of default

settings, including standard parameters, which can be customized (column 17, lines 5 to

34: Figure 8);

"upon selection of a catch [style], preparing the system response for each catch

[style]" – selecting an error recovery option allows a developer to customize the error

recovery parameters within a Dialogue Module instance (column 20, lines 15 to 21:

Figure 9); whether a developer selects a Dialogue Module with default parameters, or

customizes a Dialogue Module, each configuration parameter causes a change in

operation of the dialogue module when the interactive speech program executes

(Abstract); implicitly, then, the interactive speech program "prepares the system

response" in accordance with the parameters specified by the developer for each error

condition ("catch").

Concerning independent claim 1, the only elements not expressly disclosed by

Marx et al. are the concepts of "style"-selection and "catch styles". *Marx et al.* discloses

a plurality of default templates for error conditions when a user response is not

understood, where an error condition is equivalent to a "catch", but omits the concept of

a "style" in describing a "catch" and a process of selection. However, it is known in the

art of voice services to provide style sheets to create interactive voice services.

Specifically, *Zirngibl et al.* teaches a system and method for creation and automatic

deployment of personalized dynamic and interactive voice services, where XML

(extensible style sheet language) style sheets are provided to create voice services. An

objective is to maximum an administrator's voice service building capability. (Column

11, Lines 32 to 49) It would have been obvious to one having ordinary skill in the art to

apply a concept of "style" to selection of "catch styles" as taught by *Zirngibl et al.* in a

Dialogue Module selection method of *Marx et al.* for a purpose of maximizing an

administrator's voice service building capability.

Concerning claim 2, *Marx et al.* discloses that a Dialogue Module may be

customized by a developer to include content of prompts ("a new audio message to be

played in response to a particular catch event") (column 20, lines 28 to 34: Figure 16); in

one embodiment, a prompt can be specified by a filename, but a prompt may be

specified by inputting text ("presenting one or more text fields for receiving a contextual

message, the contextual message entered in each text field") if a text-to-speech

synthesizer is used (column 18, lines 30 to 40; column 20, lines 58 to 63; column 21,

lines 5 to 8).

Concerning claims 3 to 4, *Marx et al.* discloses that Dialogue Module templates

may have a default initial prompt, but may require a custom initial prompt to be provided

by a developer (column 18, lines 40 to 45); if a default prompt is used to an error

condition, then the "contextual message is the same for each catch event"; however, if a

prompt is customized for an error condition, then the "contextual message is different for

each catch event".

Concerning claim 5, *Marx et al.* discloses that one of the Dialogue Module

templates for error recovery involves replaying a prompt for a number of retries (column

13, lines 10 to 39: Figure 6: Step 640).

Concerning claim 6, *Marx et al.* discloses that Error Recovery 950 allows a

developer to view and modify error recovery parameters (column 18, lines 1 to 3;

column 20, lines 28 to 33: Figure 16).

Concerning claim 7, *Marx et al.* discloses an ItemList Module 520 can terminate

on an ERROR condition 540, and take appropriate termination actions, including to

transfer the caller to a live operator (column 9, lines 62 to 65: Figure 5: Step 540); an

ItemList Module lets a developer define allowable responses to a caller prompt and

return a termination condition ("identifying a final action to be taken") (column 15, line 66

to column 16, line 9); Error Recovery 950 allows a developer to view and modify error

recovery parameters (column 18, lines 1 to 3; column 20, lines 28 to 33: Figure 16).

Concerning claims 8 to 10, *Marx et al.* discloses that a developer can customize

at least a "timeout" parameter that sets a predetermined time period for the caller to

respond after the output of a prompt (column 11, lines 7 to 16); thus, at least

customizing a "timeout" period corresponds to "inserting variables in a contextual

message"; moreover, a "timeout" parameter defines "pauses of specific duration values"

in a message after the prompt, and can "enable acceleration of a system timeout"

because a shorter "timeout" period corresponds to an acceleration of an error recovery

procedure.

Response to Arguments

4.   Applicants' arguments filed 30 October 2008 have been fully considered but they

are not persuasive.

Applicants argue that they disagree with the obviousness analysis that one skilled in the art would be impelled to modify *Marx et al.* in view of *Zirngibl et al.* to provide "style-selection" and "catch styles" for catch events. Applicants contend that *Marx et al.* is not interested in presenting a style-selection menu that allows for selection of one or more catch styles. Applicants say that one skilled in the art should not be impelled to modify *Marx et al.* in view of *Zirngibl et al.* to perform phonetic sorting of phonetic representations. Applicants state that the rejection employs circular reasoning that it would be obvious to include a missing limitation for a purpose of including a missing limitation. Applicants maintain that the passage cited from *Zirngibl et al.* appears to be a general description of benefits obtained, but does not establish a nexus between the modifications and alleged benefits. These arguments are not persuasive.

Firstly, it is reiterated that *Marx et al.* discloses all the limitations of the claims except for a concept of "style". *Marx et al.* permits an application developer of speech applications to choose dialogue module templates from a graphical display, where each dialogue module is represented as an icon. Among the dialogue module templates that an application developer can choose are dialogue module templates that respond to error conditions following a failure of a speech application to recognize a response from a user. These dialogue module templates that an application developer can choose to respond to an error condition in a speech application are dialogue modules templates that can utilize a spelling fallback method or utilize a method to reattempt to collect a response using the same method. Additionally, *Marx et al.* discloses that a dialogue module template can be selected for an error condition so as to transfer a call to a live

operator. Each of the dialogue module templates can be customized so that a number of retries can be specified before a further method of error handling is activated. (Column 9, Line 62 to Column 10, Line 60; Column 13, Lines 10 to 67) Applicants' Specification, ¶[0002], defines a catch event as substantially an error condition for a speech application, *i.e.* what happens when an entry is not understood, when there is no response, or the response does not match any expected response. It is maintained that selecting an icon for a dialogue module template from a graphical display is equivalent to selecting a catch style from a selection menu.

Secondly, it is contended that a catch style is substantially equivalent to a dialogue module template for an error condition as disclosed by *Marx et al.* The concept of a catch style as disclosed by Applicants' Specification is simply intended to denote that there are a variety of standard formats for 'catching', *i.e.* responding to, an error condition. The 'styles' of a catch event refer to some set of standard ways of dealing with a catch event, *i.e.* asking a caller to repeat the response in a 'retry'-type catch event, asking a caller to spell the response in a 'spelling fallback'-type catch event, or perhaps routing the call to a live operator.

Basically, *Zirngibl et al.* is simply being cited to provide a motivation as to why one would call a dialogue module template a 'style'. *Marx et al.* discloses a method for developing interactive speech applications by selecting dialogue module templates from a graphical display. *Zirngibl et al.* teaches that interactive voice services can be deployed by XSL style sheets. An administrator designs voice services by selecting a voice service to be provided to create a dynamic call structure. (Column 11, Lines 32 to

56: Figure 2) Thus, *Zirngibl et al.* is being cited to teach a vocabulary issue: why one

skilled in the art would equate a dialogue module template with a 'style'. A dialogue

module template can be called a 'style' because it can be selected from standard

modules created in XSL -- extensible style sheet language. Strictly speaking, *Marx et*

al. can be understood as being sufficient to anticipate the limitations of "a style-selection

menu" for selecting "catch styles" because a dialogue module template for an error

condition is really equivalent to a "catch style". However, *Zirngibl et al.* is cited for

purposes of appeal to show why one skilled in the art might adopt a vocabulary of

equating a dialogue module template with a 'style'.

Thirdly, it is respectfully submitted that the arguments presented by Applicants do

not make a great degree of sense. Applicants note something about performing

phonetic sorting of phonetic representations, but it is not clear where this feature is

found in any of the cited references. Applicants say that the rationale for modification is

circular, but it does not appear that the rationale is circular at all. Rather, *Zirngibl et al.*

is being cited to show an inherent characteristic of *Marx et al.*, or alternatively, why one

skilled in the art, as a matter of common knowledge, would utilize extensible style sheet

language of *Zirngibl et al.* to create the dialogue module templates of *Marx et al.*: to

maximize an administrator's voice service building capability. See MPEP §2131.01 II. -

§2131.01 III and MPEP §2144.03. Applicants state, too, that there is no nexus between

a proposed modification and an asserted benefit of the modification. However, the

rejection expressly discloses a benefit of using extensible style sheet language as

taught by *Zirngibl et al.* to create the dialogue module templates of *Marx et al.*: to

maximize an administrator's voice service building capability.

Therefore, the rejection of claims 1 to 10 under 35 U.S.C. §103(a) as being

unpatentable over *Marx et al.* in view of *Zirngibl et al.* is proper.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARTIN LERNER whose telephone number is

(571)272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM

Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Martin Lerner/
Primary Examiner
Art Unit 2626
December 5, 2008